

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPENTV, INC., et al.,
Plaintiffs,

v.

APPLE, INC.,
Defendant.

Case No. 14-cv-01622-JST

SCHEDULING ORDER

The Court hereby sets the following case deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10:

Event	Deadline
Initial disclosures	August 7, 2014
ESI Stipulation and Stipulated Protective Order	September 2, 2014
Disclosure of Asserted Claims and Infringement Contentions; Document Production Accompanying Disclosure	September 5, 2014
Last Day to Join Parties or Amend Pleadings	November 24, 2014
Invalidity Contentions; Document Production Accompanying Invalidity Contentions	October 20, 2014
Exchange of Proposed Terms for Construction	November 3, 2014
Exchange of Preliminary Claim Constructions and Extrinsic Evidence	November 24, 2014
Joint Claim Construction and Prehearing Statement	December 19, 2014

Event	Deadline
Completion of Claim Construction Discovery (including depositions of experts who submitted declarations in support of claim construction positions)	January 16, 2015
Plaintiffs serve Preliminary Election of Asserted Claims	January 16, 2015
Defendant serves Preliminary Election of Asserted Prior Art	January 30, 2015
Claim Construction Opening Brief	February 2, 2015
Claim Construction Responsive Brief	February 16, 2015
Claim Construction Reply Brief	February 23, 2015
Technology Tutorial	March 9, 2015 at 2:00 p.m.
Claim Construction Hearing	March 23, 2015 at 2:00 p.m.

After the court has issued a claim construction order, the parties shall move the court to set a further case management conference for a date within 90 days of the date the claim construction order issues (if such further case management statement has not been set by that time). Ten days before the further case management conference, the parties shall file a joint case management statement, including the parties' stipulated proposed scheduled, or competing schedules, leading to trial.

Counsel may not modify these dates without leave of court. The parties shall comply with the Court's standing orders, which are available at cand.uscourts.gov/jstorders.

The parties shall meet and confer regarding the format, scope, and content of both the tutorial and the claim construction hearing, including but not limited to the permissible subjects of discussion at each, whether experts will testify, and what audio-visual equipment, if any, will be needed by the parties. They also shall exchange copies of any audio-visual material at least **ten court days** before they intend to use it in court, and shall bring any disputes regarding the format, scope, or content of any tutorial or hearing to the Court's attention at least **five court days** before the tutorial or hearing. The Court will deem as waived any objection raised less than five court

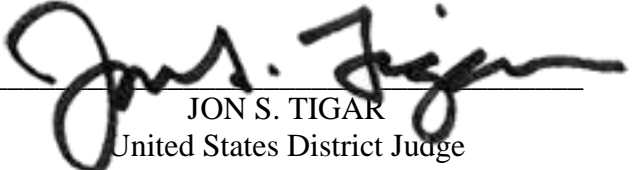
1 days before the tutorial or hearing. The parties shall lodge hard copies of their presentation
2 materials with the Court on the day of the tutorial or claim construction hearing.

3 The Court will reserve no more than one and a half hours on its calendar for the tutorial,
4 including a brief recess. The tutorial will not be reported by a court reporter.

5 At claim construction, the Court will construe only the terms the parties identify in their
6 Joint Claim Construction and Prehearing Statement as “most significant to the resolution of the
7 case up to a maximum of 10.” Patent Local Rule 4-3(c). The Court will reserve no more than two
8 and a half hours its calendar for the claim construction hearing, including a brief recess. The
9 Court prefers that the parties proceed term-by-term, with each party providing its views on each
10 term before moving on to the next. The Court’s use of time limits means that the parties may not
11 have the opportunity to present oral argument on every term they have submitted for construction,
12 and the parties should prioritize their presentations accordingly.

13 The parties must take all necessary steps to conduct discovery, compel discovery, hire
14 counsel, retain experts, and manage their calendars so that they can complete discovery in a timely
15 manner and appear on the noticed and scheduled dates. All counsel must arrange their calendars
16 to accommodate these dates, or arrange to substitute or associate in counsel who can.

17 Dated: July 25, 2014

18 
19 JON S. TIGAR
20 United States District Judge
21
22
23
24
25
26
27
28